

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON SEPTEMBER 13, 2004 AT 3:30 P.M.

PRESENT: Commissioners Timothy B. Smith, Regina Brayboy, Ralph A. Heath, III, George E. Wallace, and Angela Leary

ABSENT: Commissioner Perry T. Pilgrim

ITEM I. ROLL CALL

A call of the roll noted Commissioner Pilgrim as being absent.

ITEM II. PLANNING COMMISSION ELECTIONS

Mr. O'Neill, Secretary to the Commission, opened the floor for nominations of Chairman to the Planning Commission.

A motion was made by Commissioner Ralph A. Heath, and seconded by Commissioner George E. Wallace to nominate Vice-Chairman Timothy B. Smith as Chairman to the Planning Commission. There were no other nominations for Chairman. A roll call on the vote resulted as follows:

AYES:	Brayboy, Smith, Heath, Wallace, Leary
NAYS:	None
ABST:	None
ABSENT:	Pilgrim

Chairman Smith opened the floor for nominations of Vice-Chairman.

A motion was made by Commissioner Ralph A. Heath, and seconded by Commissioner Angela Leary to nominate Commissioner Perry T. Pilgrim as Vice-Chairman to the Planning Commission. There were no other nominations for Vice-Chairman. A roll call vote on the motion resulted as follows:

AYES:	Brayboy, Heath, Wallace, Leary, Smith
NAYS:	None
ABST:	None
ABSENT:	Pilgrim

ITEM III. MINUTES

There being no additions or corrections, a motion was made by Commissioner George E. Wallace and seconded by Commissioner Ralph A. Heath, to approve the minutes of the August 9, 2004 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES: Brayboy, Heath, Wallace, Leary, Smith
NAYS: None
ABST: None
ABSENT: Pilgrim

ITEM IV. STAFF REPORTS

A. Youth Planner Report

Mr. Jacob Berg, Youth Planner, stated the Youth Planners have successfully completed a rough draft of the updated youth component for the city's Community Plan. After many weeks of compiling data from past surveys, and the previous youth component of the 2010 Comprehensive Plan as a template, they have managed to draft an initial document which is still in revision. The final draft should begin as soon as possible, and he will keep the Commission updated on the progress. He stated the annual retreat for the Youth Commission was held in the month of August at the Wakefield Conference Center. The new and old commissioners met for the first time and learned how to work effectively as a team and as representatives for the young people of Hampton. The Commission and staff worked hard, as well as entertained themselves in the overnight retreat. The resulting bond between staff and the Commissioners should be an excellent indicator of a successful coming year. He stated this day marks the first official work session of a full Youth Commission, and all are eager and excited to get the new fiscal year started off right. Another project the Youth Planners have been assigned to do is guiding the youth panel of the School Investment Group. This past month, the youth panel members met with members of the adult group to discuss the adult's initial recommendations on school investment and voice their opinions. On Thursday, September 16, the School Investment Panel will hold a public meeting, and the Youth Planners will report to the full board on the progress and final position of the young people and school investment, as well as recognize the dedicated young people who served on the board. Mr. Berg welcomed questions from the Commission.

B. Community Plan Update

Mr. Keith Cannady, Chief Planner, distributed reading material, an updated outline, and schedule on the Community Plan work session process for the Economic Development section of the plan, along with a presentation of the plan. He stated the next master planning process for the Buckroe area will be held this week and he invited the Commission to join staff and the Urban Design Associates (UDA) for that process at St. Joseph's Catholic Church in Buckroe.

Mr. O'Neill mentioned if the Commission is unable to attend the evening meeting, but is interested in getting a feel of what will transpire for the Buckroe community, the sessions are designed for walk-ins at anytime and any issues or concerns will be addressed by staff or the consultants. Staff and the consultants will be meeting for

three days, beginning Tuesday, September 14th through Thursday, September 16th, and a public meeting will be held at the church on Thursday evening, beginning at 7:00 p.m.

ITEM V. PUBLIC HEARING

Chairman Smith read the public hearing item notice on the agenda as advertised in the Daily Press on August 30, 2004 and September 6, 2004.

A. Rezoning Application No. 1196

Rezoning Application No. 1196 by John and Karen Glass to rezone 232 S. Armistead Avenue (Magnolia House) from Neighborhood Commercial (C-1) to One Family Residence (R-11) for use as a single-family residence.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated Planning staff recommends approval of the proposed request because the proposed development meets the goals and objectives of the 2010 Comprehensive Plan and other public policy documents.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day a request by John and Karen Glass to rezone a 0.3± acre property at 232 N. Armistead Avenue from Neighborhood Commercial (C-1) to One Family Residence (R-11) for use as a single family home; and

WHEREAS: The property is located at the northwest corner of Armistead Avenue and Lee Street; and

WHEREAS: The property has been previously used as apartments and a combination café and antique shop (The Magnolia House); and

WHEREAS: The 2010 Comprehensive Plan recommends commercial/mixed use development and places emphasis on this portion of Armistead Avenue being part of a cultural arts corridor; and

WHEREAS: Single family development is consistent with these public policy recommendations; and

WHEREAS: The single family zoning category that most closely represents the property size and configuration is R-11; and

WHEREAS: There has been no opposition to this proposal, and there were no public speakers at the Planning Commission public hearing.

NOW, THEREFORE, on a motion by Commissioner Ralph Heath and seconded by Commissioner Regina Brayboy,

BE IT RESOLVED that the Planning Commission respectfully recommends to the Honorable City Council that Rezoning Application No. 1196 be approved.

A roll call vote on the motion resulted as follows:

AYES:	Brayboy, Heath, Wallace, Leary, Smith
NAYS:	None
ABST:	None
ASBENT:	Pilgrim

Chairman Smith read the next public hearing item notice.

B. Coliseum Central Master Plan

2004 Coliseum Central Master Plan: Proposal by the City of Hampton to adopt the 2004 Coliseum Central Master Plan. The area included in the plan is generally bounded by Todds Lane and Hampton Roads Center Parkway to the north; N. Armistead Avenue and Newmarket Creek to the east; Interstate 64 and Newmarket Creek to the south; and W. Queen Street, Aberdeen Road, and Magruder Blvd. to the west. Recommendations include improving the street network and pedestrian connectivity; providing open spaces, mixed land uses, housing opportunities and housing variety, commercial redevelopment and other district development issues. Key initiative areas identified in the Plan include Coliseum North, Coliseum South, Power Plant Parkway, Coliseum/Convention Center, Tidemill Creek, and Sentara.

Mr. O'Neill stated over the last six to eight months, the Commission has seen interim reports on the development of the Coliseum Central Master Plan. Staff has now reached a point where they have a document prepared for adoption as a guiding principle for future development in the subject area. He introduced Mr. Donald Whipple to present the overview of the plan and then to receive public comments.

Mr. Donald Whipple, Senior City Planner, presented a briefing along with slides of the future plans for the Coliseum Central Master Plan. He stated on September 9, 2004, a community meeting was held for residents of the Marcella Road area (i.e. Tanglewood, Seton Manor, Central Park, and Riverdale) to discuss the Tide Mill Creek initiative area of the proposed plan. Approximately 75 residents were in attendance. The residents were briefed on the 2004 Coliseum Central Master Plan, focusing on concepts proposed for the Tide Mill Creek initiative area. The main concerns expressed with the initiative area involved the impact of additional traffic from proposed new roads, type of housing, potential new housing sites, impact of new development on existing neighborhoods and school, impact on property values, and the safety of school students. Residents expressed the desire to work through these issues with staff prior

to adoption of the plan by City Council. Staff believes that delaying adoption of the entire plan would delay implementation of key initiatives in other parts of the district. He stated it is important to move forward with the adoption of the plan in order to facilitate pending projects that are instrumental components of the plan. Staff recommends that the Commission and Council move forward with adopting the Plan, with the exception of those references to the Tide Mill Creek initiative area. Once an agreement is reached by staff and the residents on the design proposal for the initiative area, staff will then ask the Commission and Council to amend the Plan to incorporate the additions. He stated on August 31, the Coliseum Central BID Board endorsed the plan, with an amendment to include in the purpose of the plan that reads: "This Master Plan should not, however, be used as a coercive tool to preclude property owners from taking advantage of other development opportunities that may be inconsistent with the Plan, but that the market may dictate." He stated staff does not recommend that this statement be added to the plan, because it is contrary to the plan. He stated the plan is visionary and full of design principles, and this type of language is negative to the design intent of the plan. Staff would be working with property owners to help enhance their property in conjunction with the plan. Staff is already on the way with implementation, and updating the Zoning Ordinance to allow some of the issues mentioned to be applied. At that point, staff can address any further details. He mentioned the statement presented by the BID Board was of the minority, but they wanted to have a unanimous front of endorsement.

Mr. O'Neill stated it is his expectation that staff will meet with a working group from the neighborhoods around the Tide Mill initiative area, and bring back something quickly to replace or modify the recommendations in that section so they are comfortable with it. He stated as a point of reference, the vast majority of issues expressed were transportation related. The residents are very concerned regarding the back-ups that occur on North Armistead Avenue, traffic increases on Marcella, Tide Mill, Wheatland, and Charlton, which are occurring on major arterials and into their neighborhoods. He stated transportation is a bigger issue than the Plan, but it can be modified and resolved based on the concept.

In response to a question by Chairman Smith, Mr. Whipple stated the original plan for Sentara showed the southern corner north of Signature Place Apartments as a potential for a residential site, but this did not work for them. Sentara wanted to maximize their opportunity to create and utilize the entire property for a medical campus. They are currently entertaining an addition to the current hospital due to the indication of growth.

Mr. Dan Kelleher, Executive Director, Coliseum Central Business Improvement District (CCBID), 2021 Cunningham Drive, Suite 101, commended the City of Hampton Planning staff, and other departments for their outstanding work in preparing the draft plan that is before the Commission. He stated there were many meetings where staff worked long hours to help their organization which is greatly appreciated. He also commended the Urban Design Associates on their creative ideas for the plan, and the excellent job they have done. He stated the CCBID did meet on August 31st, and asked

that Planning Commission recommend approval of the Plan. He reiterated the CCBID has asked that the aforementioned sentence be added to the purpose of the plan. He distributed copies of the section to Planning Commission.

The purpose of the Plan reads as follows:

The purpose of this Plan is to transform the Coliseum Central community's goals and aspirations into a physical plan for the area. The Plan will define appropriate relationships between residential, commercial and park uses as well as direct policy and specific investment recommendations for the next generation of growth. This Master Plan, upon adoption, will be used as a policy guide to inform both public and private actions in ways that encourage property owners to develop their properties in accordance with the overall community vision. This Master Plan should not, however, be used as a coercive tool to preclude property owners from taking advantage of other development opportunities that may be inconsistent with the Plan, but that the market may dictate."

Mr. Raymond Tripp, representing Coliseum Mall, 1800 West Mercury Boulevard, stated he is present on behalf of the ownership to endorse the Plan that is being presented. He too commended the city and staff for the fantastic job in preparing the Plan. He stated their ownership has been involved with the Plan from the beginning and they have been meeting with staff and UDA reviewing the plans that are being proposed for the future of Coliseum Central. He is representing the urban community who fully endorses the Plan and asked for the Commissions' approval of the plan.

Commissioner Wallace stated if the Commission was to pass the written language as suggested by some the members of CCIB, it would make the Plan ineffective in context of its original intent.

In response to a question by Commissioner Wallace, Mr. Kelleher stated his recollection of the conversation was that two of the board members who represented large property owners within the district specifically expressed concerns that the Plan may be used in some way as a coercive tool to prevent them from developing the projects in the neighborhood Plan, and if this were an accurate assessment. He stated some people would argue that in fact, it is just a neighborhood Plan, and does not have any teeth in it to be coercive, but there were arguments on the other side as well. His recollection is that the CCIB agreed to incorporate the extra sentence in order to accommodate the concerns of the two board members, and thus, a compromise that everyone could live with.

Commissioner Wallace expounded that the fear is there is no allowance for the "big box" context, but his response is that the city is not totally inhibited. There are opportunities to add, amend or adjust, and staff can be accommodating. There is a constant ongoing prohibition against developing the "big box" issue.

Mr. Kelleher stated he does recall the issue regarding the “big box” being raised as part of the argument.

Commissioner Leary stated in addressing the statement for inclusion in the purpose of the plan, the portion that states “that may be inconsistent with the plan....” she would have to agree with Commissioner Wallace that it does defeat the purpose of the plan. She stated if that portion of the language was not part of what the CCIB wanted to include, then she could go along with the suggestion, but the way it is presented, there is not room for flexibility. She stated if the CCIB would watch the direction of where the Planning Commission is going, especially in the last two years, the board will see that there is an ability to accommodate those things that the developers may be concerned with. She suggested that the language be removed.

Mr. O’Neill stated as a professional courtesy, he called Mr. Kelleher today to inform him that staff cannot recommend the inclusion of the statement. His primary consternation is that these plans are done as partners between the property owners and the CCBID with some mutual trust in terms of how the plan is developed and moved forward. He stated clearly, the Commission understands that there is no way in the plan that you can articulate every contingency that may happen in reality. Fundamentally, what is tough about the statement is that from the position of a few of the CCBID Board members, there is a lack of faith and trust in the cooperative effort that went into the plan. The subject statement does not express partnership, cooperation and a willingness to go forward, which is troubling to him. He stated if there is just a little bit of faith, the proof will show through the developments. By putting these plans into place, it is a real economic opportunity for the property owners, along with the principles and incorporation of good design and a good community building expressed in the plan. He is hopeful that the Planning Commission and Council do not include the statement in the plan, and that he and Mr. Kelleher can go back and work closely with the property owners, and hopefully some years from now this will not be an issue.

After discussion, the Commission approved the following resolution:

WHEREAS: The Planning Commission had before it this day a proposal by the City of Hampton, to adopt the 2004 Coliseum Central Master Plan; and

WHEREAS: City staff has reported that the Coliseum Central Master Planning Process commended to Urban Design Associates, with the support on city staff and wide community participation concluded with a new Coliseum Central Master Plan ; and

WHEREAS: The area included in the plan is generally bounded by Todds Lane and Hampton Roads Center Parkway to the north; N. Armistead Avenue and Newmarket Creek to the east; Interstate 64 and Newmarket Creek to the south; and W. Queen Street, Aberdeen Road, and Magruder Blvd. to the west; and

- WHEREAS: This plan takes into consideration the conditions within the “core business district” as well as the conditions and influence of surrounding neighborhoods to ensure the long term sustainability of the district’s future; and
- WHEREAS: The purpose of the plan is to transform the Coliseum Central community’s vision and goals into a physical plan for the area that defines appropriate relationships between residential, commercial, and park uses; and
- WHEREAS: The Plan provides clear direction for polices regarding both public and private development and reinvestment opportunities as well as partnerships that will achieve increased economic activity, improved circulation and connectivity, and enhanced quality of life for the District; and
- WHEREAS: General recommendations include improving the street network and pedestrian connectivity; providing open spaces, mixed land uses, housing opportunities and housing variety, commercial redevelopment and other district development issues.; and
- WHEREAS: The key initiative areas included in this plan are to become the implementation priorities: Coliseum North, Coliseum South, Convention Center and Coliseum, Power Plant Parkway, and Sentara Hospital area ; and
- WHEREAS: A residential and commercial market study analysis, including retail and office market, were considered as part of the proposed plan as well as related traffic studies; and
- WHEREAS: The executive director of the Coliseum Central Business Improvement District (CCBID) spoke to convey the CCBID Board’s endorsement of the Plan, subject to adding language to the “Purpose of the Plan” section on page 2; and
- WHEREAS: A representative for Mall Properties spoke in favor of the Plan; and
- WHEREAS: There were no members of the public present to speak in opposition, to the Plan; and
- WHEREAS: There was discussion by the Planning Commission to omit references to the Tide Mill Creek Initiative to allow staff to work with the community to resolve concerns regarding traffic and development impacts on their neighborhood; and
- WHEREAS: There was discussion by the Planning Commission not to include proposed added language as suggested by the CCBID Board.

NOW, THEREFORE, on a motion by Commissioner Brayboy and seconded by Commissioner Leary,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends the Honorable City Council adopt the 2004 Coliseum Central Hampton Master Plan.

A roll call vote on the motion resulted as follows:

AYES:	Brayboy, Heath, Wallace, Leary, Smith
NAYS:	None
ABST:	None
ABSENT:	Pilgrim

Chairman Smith read the next public hearing item notice.

C. **Transportation Enhancement Program Applications**

Transportation Enhancement Program Applications: Consideration of a proposed resolution requesting funding of projects under the Transportation Enhancement Program established by the Virginia Department of Transportation as required by the Federal Transportation Equity Act for the 21st Century (TEA-21). The proposed projects are: Phoebus Streetscape Improvements–Phase III, Settlers Landing Road Streetscape Improvements-Phase II, Mercury Boulevard/Coliseum Central Streetscaping, Streetscape Improvements to Tyler/North King Street Corridors and Kingsway Pedestrian Enhancements.

Mr. Mike Hodges, Senior Construction Engineer, presented the staff report, a copy of which is attached hereto and made a part hereof. He stated this year, the city, in cooperation with several bids and communities throughout the city are submitting five projects, hopefully to be endorsed by the Virginia Department of Transportation (VDOT). They are as follows: Phoebus Streetscape Improvement, Phase IIIA; Settlers Landing Road Streetscape Improvement, Phase II; Mercury Boulevard/Coliseum Streetscape Improvements; King Street Corridor Improvements; and Kingsway Pedestrian Improvements. These projects have been submitted to VDOT for the past eight or nine years, but unfortunately, each year, the city is turned down. He stated again, the city will make an effort to get the projects approved, but it is competitive. There is approximately \$5 to \$6 million available, and if there is approval for ten or twelve projects with \$500,000, it still is not enough funding to go around.

Mr. O'Neill stated the city continues to submit these projects with no luck, but the projects continue to be submitted because most of them have been generated from the communities themselves, and the communities have been pursuing the projects. In good faith to the communities, the city continues on their behalf to submit the projects, and hope that their number comes up in order to move the projects up faster.

Commissioner Wallace stated the competition is a regional process with all cities on the southside and on the Peninsula.

In response to a question by Chairman Smith, Commissioner Wallace stated funding for the projects are spread abroad in the different localities. Mr. Hodges stated the funds could be spread state-wide.

Mr. O'Neill stated the city was fortunate enough to receive funding when the program first began. He believes the city could be penalized because they received funding in the beginning and now it is another city's turn to receive the funds.

In response to a question by Commissioner Heath, Mr. O'Neill stated the projects were listed in a certain order due to the phases of projects that are already underway, and a new request is lowered.

In response to a question by Commissioner Leary, Mr. Hodges concurred that the streetscape improvements for King Street corridor is still in place.

After discussion, the Commission approved the following resolution:

WHEREAS: The Transportation Equity Act for the 21st (TEA-21) authorized the Federal Transportation Enhancement Program which affords the opportunity for localities to promote unique and creative methods of addressing intermodal transportation issues; and

WHEREAS: The Department of Transportation has established a process whereby the Commonwealth Transportation Board awards enhancement funds to projects throughout the State on a competitive basis; and

WHEREAS: Community groups and civic leaders initiated these enhancement projects; and

WHEREAS: The City of Hampton seeks endorsement of five projects: (1) Phoebus Streetscape Improvements Project – Phase IIIA; (2) Settlers Landing Road Streetscape Improvements Project – Phase II; (3) Mercury Boulevard/Coliseum Central Streetscaping; (4) Tyler/North King Street Corridors; and (5) Kingsway Pedestrian Enhancement; and

WHEREAS: The local governing body's endorsement of the projects is an agreement to match 20% of total project costs; and

WHEREAS: In accordance with the Commonwealth Transportation Board's construction allocation procedures, a request by resolution must be received from the local governing body or State agency in order for the Virginia Department of Transportation to program enhancement projects for the City of Hampton.

NOW, THEREFORE, on a motion by Commissioner Angela Leary, and seconded by Commissioner Regina Brayboy,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council, adoption of the resolution endorsing the stated projects.

A roll call vote on the motion resulted as follows:

AYES:	Brayboy, Heath, Wallace, Leary, Smith
NAYS:	None
ABST:	None
ABSENT:	Pilgrim

ITEM VI. PLANNING DIRECTOR'S REPORT

Mr. O'Neill requested the Planning Commission to authorize a public hearing for a Zoning Ordinance amendment to Special Public Interest-Hampton Roads Center North (SPI-HRC/N) zoning category at the November meeting to consider land use provisions for the new part of Hampton Roads Center where the new National Institute for the Air and Space Park will be located. Staff has been working on the land use and zoning regulations to allow a mix of uses in the park.

A motion was made by Commissioner Regina Brayboy, and seconded by Commissioner Ralph A. Heath, to authorize a public hearing request for a Zoning Ordinance Amendment to Special Public Interest-Hampton Roads Center North (SPI-HRC/N) zoning category. A vote on the motion resulted as follows:

A roll call vote on the motion resulted as follows:

AYES:	Brayboy, Heath, Wallace Leary, Smith
NAYS:	None
ABST:	None
ABSENT:	Pilgrim

Mr. O'Neill gave an introduction on the Planning Department's Annual Report. He stated each team will present a report of projects and accomplishments that has been identified by each team.

Ms. Caroline Butler, Coordinator of the Current Planning Team; Mr. Greg Goetz, Coordinator of Physical Planning Team; Mr. Keith Cannady, Coordinator of the Comprehensive Plan Team; and Ms. Diane Boone, Planning Analyst of the Research and Analyst Team, presented their reports, a copy of which is attached hereto and made a part hereof.

ITEM VII. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM VIII. MATTERS BY THE COMMISSION

Consideration was presented regarding the Planning Commission By-laws.

A motion was made by Commissioner George E. Wallace, and seconded by Commissioner Ralph A. Heath consideration of a change in the By-laws regarding the time. A roll call vote on the motion resulted as follows:

AYES: Brayboy, Heath, Wallace Leary, Smith
NAYS: None
ABST: None
ABSENT: Pilgrim

A motion was made by Commissioner George E. Wallace, and seconded by Commissioner Ralph A. Heath to accept the proposal in the By-Laws to extend the meeting ending time to 6:30 p.m. A roll call vote on the motion resulted as follows:

AYES: Brayboy, Heath, Wallace Leary, Smith
NAYS: None
ABST: None
ABSENT: Pilgrim

ITEM IX. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 5:05 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Timothy B. Smith
Chairman